

Date: March 26, 2003

TO: NIH Institute and Center Directors

FROM: Deputy Director for Management, NIH

SUBJECT: Revised Controls on Filling Administrative Management Positions

I am pleased to announce that NIH has received some relief of the controls for filling administrative management positions from HHS.

This memorandum will delineate the new flexibility as well as the current restrictions for filling our administrative positions. In conjunction with the new flexibility, it is critical that we take an NIH corporate approach to managing our administrative positions. To accomplish this, you will be asked to address new criteria as part of future freeze exception requests. The information you provide will assist the NIH Administrative Freeze Committee and me in determining the viability of the request in light of FTE reductions, consolidation, reorganizations and A-76 activities involving our administrative positions.

IC Freeze Flexibilities

Institutes and Centers have the authority to advertise positions at any grade level(s) and may recruit for both status and non-status candidates. As you are aware, the Office of the Secretary, HHS, is still paying particular attention to administrative management positions; therefore, there is a risk involved in advertising before an exception is obtained.

ICs also now have the authority to effect non-competitive lateral reassignments within their IC and from other NIH components without NIH or HHS freeze exception approval.

These reassignments may be made at any grade level and must be to a position that has no further promotion potential. ICs are only permitted to effect these reassignments as long as they are within their official FTE targets.

ICs are also permitted to effect non-competitive lateral reassignments within their IC and from other NIH components at the GS-12 level and below which involve promotion potential not to exceed the GS-12 level.

For positions at the GS-12 and below, ICs retain authority to fill positions via competitive internal announcements or promotions (including gradual assumption of duties) within their IC and from other NIH components as long as the positions have no

promotion potential above the GS-12 level. This may require jobs that currently have greater promotion potential beyond the GS-12 level be restructured to show a lower full performance level.

ICs have the authority to honor career ladder promotions for encumbered positions at any grade level. It is imperative that the career ladder be appropriately documented.

Page 2 - NIH Institute and Center Directors

ICs have the authority to temporarily fill positions or promote NIH employees at any grade level for a time frame not to exceed one (1) year.

Freeze Restrictions

Departmental approval is required for the following actions:

Bfilling a position at any grade level with a candidate from outside of NIH where the full performance level is at the GS-13 grade level or above;

Bpromoting (i.e., non-career ladder promotions) an internal NIH employee to the GS-13 level or above; and,

Bnon-competitive lateral reassignment of any employee to a position with promotion potential that exceeds the GS-12 level.

NIH approval is required when filling positions at the GS-12 level or below (with no promotion potential greater than the GS-12 level) with a candidate from outside of the NIH.

Process for Requesting Freeze Exception

These controls on administrative hiring are meant to achieve a number of goals. The competitive sourcing and human capital management components of the President=s Management Agenda, as well as the Secretary=s management initiatives, clearly dictate a reduction in the number of staff involved in administrative management. Hiring controls will help achieve these reductions. At the same time we are obligated to provide placement opportunities so that affected staff can transition to new roles. Hiring controls can help ensure that the necessary opportunities for internal placement are available. Lastly, we need to implement these measures in a manner that allows us to continue acquiring the best and brightest staff needed to support the scientific mission of the NIH.

Please keep these objectives in mind, both in considering whether to request an exception to the hiring controls, and in determining the most prudent use of the freeze flexibilities you have been granted.

With these objectives in mind, please provide the following information for each freeze exception using the attached standardized format. If you wish to submit more than one exception request, please provide a cover sheet listing the positions in priority order. Using this format will expedite the committee review process and allow us to quickly transmit critical cases to the Department for review. In addition to providing the position description/evaluation statement and the candidate's resume (if requesting a freeze exception at the point of selection), please address the following issues on the attached NIH Freeze Exception Request Form when submitting a freeze exception request:

1. Identify the most significant duties and responsibilities of the position.
2. Certify that filling the position would not result in exceeding the IC's overall target FTE level.
3. Explain why the staffing need could not be met through a temporary employment mechanism or by obtaining the services via contractor support.

Page 3 - NIH Institute and Center Directors

4. Explain how not filling the position would affect accomplishing the mission of the IC.
5. Explain how the position supports either a high-priority new or expanding program, or an ongoing program of critical importance.
6. Explain the impact of filling this position on the goals of NIH administrative consolidation and competitive sourcing initiatives.
7. Identify the extent to which the position involves commercial activities and whether it is scheduled for review under the competitive sourcing program.
8. Identify whether filling the job with a proposed candidate would offset a position which is subject to elimination through administrative consolidation or outsourcing.

Requests for freeze exceptions are to be sent through the IC Executive Officer to Sharon Quinn, Division of Workforce Management (DWM), Office of Human Resources in Building 31, Room B3C08. Cases will be forwarded by DWM to the NIH Administrative Freeze Committee for their consideration.

Finally, it is important to remember that, in addition to any required freeze exceptions, the appropriate approval must be obtained if required by the current delegations of authority. Attached is a listing of questions and answers that will further clarify the current freeze process. Additional questions on the freeze may be addressed to Eddie Ribas or Sharon Quinn on 496-1443.

Attachments:

NIH Freeze Exception Request Form

NIH Freeze Restrictions Frequently Asked Questions

cc:

Executive Officers

NIH Administrative Freeze Committee

OHR

OSMP

NIH:OHR:DWM:ERibas:bg @ 6-3592 Eddie 6-1443

Official file located in 31/B3C08